

April 9, 2009

**REMARKS**

**Petition for Extension of Time Under 37 CFR 1.136(a)**

It is hereby requested that the term to respond to the Examiner's Action of December 11, 2008 be extended one month, from March 11, 2009 to April 11, 2009.

The Commissioner is hereby authorized to charge the extension fee, the RCE filing fee, and any additional fees associated with this communication to Deposit Account No. 50-4364.

In the Office Action, the Examiner indicated that claims 1, 4, 6-11, and 13-14 are pending in the application and the Examiner rejected all claims.

In this Submission, claims 1 and 11 have been amended, and claims 6 and 13 have been cancelled, leaving claims 1, 4, 7-11, and 14 pending..

Applicant respectfully requests the Examiner to consider these amendments. It is applicant's position that neither Ciotta nor Moore disclose that the portable device inactivates the transmitting circuit when the portable device is in the disablement mode and activates the transmitting circuit in response to the instruction from the instruction device in the disablement mode, as recited in amended claim 1. They do not disclose the feature of inactivating the transmitting circuit when the portable device is in the disablement mode, and activating the transmitting circuit in response to the instruction from the instruction device in the disablement mode, as recited in amended claim 11. Thus, even if one were to combine these references as

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previously combined by the Examiner, the claimed invention would not be achieved. Applicant submits that the present invention is not obvious over Ciotta in view of Moore.

### **Conclusion**

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-4364.

Respectfully submitted

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